

AO 240 (Rev. 6/86) Application to Proceed

FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

## United States District Court

Joseph E. Blake

v.

Robert Murphy, et al.

APPLICATION TO PROCEED IN  
FORMA PAUPERIS, SUPPORTING  
DOCUMENTATION AND ORDER

CASE NUMBER:

05 - 10508 RGS

I, Joseph E. Blake, declare that I am the (check appropriate box)☒ petitioner/plaintiff☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent/defendant☐ \_\_\_\_\_  
other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

The plaintiff, Joseph E. Blake is filing a civil rights complaint pursuant to 42 U.S.C. §1983, stating that the defendants are holding him conditions which are more restrictive than those faced by the plaintiff while being confined for a criminal offense, which violates the plaintiff's rights under the 14th Amendment to the U.S. Constitution

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes ☐ No ☒

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

April 1, 1998 @ approximately \$2000.00 monthly

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment Yes ☐ No ☒

b. Rent payments, interest or dividends? Yes ☐ No ☒

c. Pensions, annuities or life insurance payments? Yes ☐ No ☒

d. Gifts or inheritances? Yes ☐ No ☒

e. Any other sources? Yes ☐ No ☒

<p>The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.</p> <p style="text-align: right;">United States Judge or Magistrate Date _____</p>	<p>The application is hereby denied</p> <p style="text-align: right;">United States Judge Date _____</p>
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**ORDER OF COURT**

I certify that the applicant named herein has the sum of \$ 178.00 on account to his credit at the Prisoner's Account institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: \_\_\_\_\_

I further certify that during the last six months the applicant's average balance was \$ 50.37

\_\_\_\_\_  
Authorized Officer of Institution

**CERTIFICATE**  
(Prisoner Accounts Only)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/10/05 (Date) \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in checking or savings accounts? Yes ☒ No ☐ (Include any funds in prison accounts.) If the answer is "yes," state the total value of the items owned.

\$118.96 in inmate savings

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? Yes ☒ No ☐ If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
Inmate Transaction History  
Summary Report

FILED  
IN CLERKS OFFICE  
2005 MAR -3 P 12:02

Inmate Name DISTRICT COURT  
DISTRICT OF MASS JOSEPH BLAKE

Commitment number.... M82152

Period encompassed.... 8/22/2004 2/22/2005

		personal	savings	total
Beginning Balance:	08/22/04	\$ 12.36	\$ 537.93	\$ 550.29
Balance as of	09/22/04	\$ 0.19	\$ 253.83	\$ 254.02
Balance as of	10/22/04	\$ 1.84	\$ 256.84	\$ 258.68
Balance as of	11/22/04	\$ 0.14	\$ 257.37	\$ 257.51
Balance as of	12/22/04	\$ 0.02	\$ 151.28	\$ 151.30
Balance as of	1/22/2005	\$ 5.04	\$ 151.66	\$ 156.70
Ending Balance:	02/22/05	\$ 1.78	\$ 132.61	\$ 134.39

Six month average balance: \$ 251.84

20% of six month average balance: \$ 50.37

total expenditures for period: \$ 534.29

total income for period: \$ 536.07

To the best of my knowledge the above summary information is true and accurate:

Signed: Jeane Petrillo  
Jeane L. Petrillo

2/22/2005

note to clear numbers Ctrl-Z

## MASSACHUSETTS NOTARY SIGNATURE WITNESSING

Commonwealth of Massachusetts

} SS.

County of: PLYMOUTH

On this the 25 day of FEBRUARY, 2005, before me,  
Day Month Year

MANUEL JAMES BOTELHO, the undersigned Notary Public,

Personally appeared JOSEPH BLAKE,

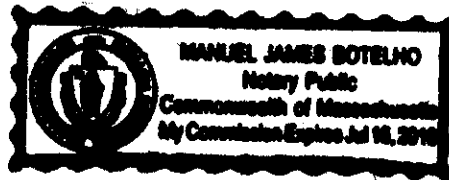
Name(s) of Signer(s)

Proved to me through satisfactory evidence of identity, which was/were

INMATS I.D. #82152

Description of Evidence of Identity

To be the person(s) whose name(s)  
Was/were signed on the preceding or  
Attached document in my presence.



[Signature]  
Signature of Notary Public

MANUEL JAMES BOTELHO  
Printed Name of Notary

My Commission Expires: 16 July 2010

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Joseph E. Blake

V.

CIVIL ACTION NO. \_\_\_\_\_

Robert Murphy, et al.

**AFFIDAVIT**

I, Joseph E. Blake, an applicant to proceed in forma pauperis in the above named case, hereby depose and say as follows:

1. Attached hereto is a copy of the records reflecting the current status of my prison account maintained pursuant to the provisions of Massachusetts General Laws, Ch. 128, Sec. 3, and applicable regulations of the Department of Corrections.

2. Of those funds currently maintained in my prison account, the amount of \_\_\_\_\_ \$ 0.00 represents compensation paid to my account for labor performed within the meaning of Massachusetts General Laws, c. 127 sec. 48(a).

  
\_\_\_\_\_  
Signature of Applicant

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## Inmate Transaction Report

Date : 20050222 14:30

Page : 1

Commit# : M82152 MASS. TREATMENT CENTER

Name : BLAKE, JOSEPH, Statement From 20040801

Inst : MASS. TREATMENT CENTER To 20050222

Block : C1

Cell/Bed : 007/T

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$1,233.45	\$1,225.38	\$1,540.88	\$824.23
20040802 14:37	IC - Transfer from Inmate to Club A/c	3168157		MTC	~APPLIANCE ORDER~CANTEEN CORP. WASH ACCOUNT - Z6~CANTEEN CORP. WASH ACCOUNT - Z6	\$0.00	\$35.84	\$0.00	\$0.00
20040802 14:37	AT - Account Transfer	3168155		MTC	~SUPT. APPROVED APPLIANCE ORDER~M82152 BLAKE,JOSEPH PERSONAL	\$35.84	\$0.00	\$0.00	\$35.84
20040804 14:30	EX - External Disbursement	3173959	93315	MTC	~FLYING BUFFALO	\$0.00	\$8.00	\$0.00	\$0.00
20040804 14:48	AT - Account Transfer	3174022		MTC	~SUPT. APPROVED~M82152 BLAKE,JOSEPH PERSONAL	\$165.00	\$0.00	\$0.00	\$165.00
20040804 14:49	EX - External Disbursement	3174031	93299	MTC	~FAYE HONEYCOTT	\$0.00	\$165.00	\$0.00	\$0.00
20040804 23:01	PY - Payroll	3181856		MTC	~20040718 To 20040724	\$7.00	\$0.00	\$0.00	\$0.00
20040804 23:01	PY - Payroll	3181857		MTC	~20040718 To 20040724	\$0.00	\$0.00	\$7.00	\$0.00
20040805 22:30	CN - Canteen	3190582		MTC	~Canteen Date : 20040805	\$0.00	\$7.05	\$0.00	\$0.00
20040810 15:16	CI - Transfer from Club to Inmate A/c	3201531		MTC	~CANTEEN REFUND 8/5~M82152 BLAKE,JOSEPH PERSONAL~KCN WASH ACCOUNT - Z5	\$0.58	\$0.00	\$0.00	\$0.00
20040811 17:03	IS - Interest	3216443		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20040811 17:03	IS - Interest	3216444		MTC		\$0.00	\$0.00	\$1.12	\$0.00
20040811 23:01	PY - Payroll	3226242		MTC	~20040725 To 20040731	\$7.00	\$0.00	\$0.00	\$0.00
20040811 23:01	PY - Payroll	3226243		MTC	~20040725 To 20040731	\$0.00	\$0.00	\$7.00	\$0.00
20040816 14:47	IC - Transfer from Inmate to Club A/c	3240882		MTC	~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$2.24	\$0.00	\$0.00
20040818 23:01	PY - Payroll	3254357		MTC	~20040801 To 20040807	\$7.00	\$0.00	\$0.00	\$0.00
20040818 23:01	PY - Payroll	3254358		MTC	~20040801 To 20040807	\$0.00	\$0.00	\$7.00	\$0.00
20040825 23:01	PY - Payroll	3283058		MTC	~20040808 To 20040814	\$6.00	\$0.00	\$0.00	\$0.00
20040825 23:01	PY - Payroll	3283219		MTC	~20040808 To 20040814	\$0.50	\$0.00	\$0.00	\$0.00
20040825 23:01	PY - Payroll	3283059		MTC	~20040808 To 20040814	\$0.00	\$0.00	\$6.00	\$0.00
20040825 23:01	PY - Payroll	3283220		MTC	~20040808 To 20040814	\$0.00	\$0.00	\$0.50	\$0.00
20040826 22:30	CN - Canteen	3290052		MTC	~Canteen Date : 20040826	\$0.00	\$3.28	\$0.00	\$0.00
20040827 10:00	EX - External Disbursement	3293181	93892	MTC	~FLYING BUFFALO INC	\$0.00	\$8.00	\$0.00	\$0.00
20040902 22:30	CN - Canteen	3317636		MTC	~Canteen Date : 20040902	\$0.00	\$7.40	\$0.00	\$0.00
20040903 12:27	AT - Account Transfer	3321279		MTC	~M82152 BLAKE,JOSEPH PERSONAL	\$291.59	\$0.00	\$0.00	\$291.59
20040903 12:32	EX - External Disbursement	3321299	94071	MTC	~PROGRESS ENERGY FLORIDA	\$0.00	\$291.59	\$0.00	\$0.00
20040908 16:51	IS - Interest	3342495		MTC		\$0.01	\$0.00	\$0.00	\$0.00
20040908 16:51	IS - Interest	3342496		MTC		\$0.00	\$0.00	\$0.99	\$0.00
20040922 23:02	PY - Payroll	3410931		MTC	~20040905 To 20040911	\$7.00	\$0.00	\$0.00	\$0.00

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## Inmate Transaction Report

Date : 20050222 14:30

Page : 2

Commit# : M82152 MASS. TREATMENT CENTER

Name : BLAKE, JOSEPH, Statement From 20040801

Inst : MASS. TREATMENT CENTER To 20050222

Block : C1

Cell/Bed : 007 / T

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20040922 23:02	PY - Payroll	3410932		MTC	~20040905 To 20040911	\$0.00	\$0.00	\$7.00	\$0.00
20040930 22:30	CN - Canteen	3444400		MTC	~Canteen Date : 20040930	\$0.00	\$0.17	\$0.00	\$0.00
20041001 13:06	AT - Account Transfer	3448028		MTC	~M82152 BLAKE,JOSEPH PERSONAL	\$7.50	\$0.00	\$0.00	\$7.50
20041001 13:07	IC - Transfer from Inmate to Club A/c	3448030		MTC	~INMATE BENEFIT - Z1~INMATE BENEFIT - Z1	\$0.00	\$7.50	\$0.00	\$0.00
20041006 23:03	PY - Payroll	3469243		MTC	~20040919 To 20040925	\$1.50	\$0.00	\$0.00	\$0.00
20041006 23:03	PY - Payroll	3469244		MTC	~20040919 To 20040925	\$0.00	\$0.00	\$1.50	\$0.00
20041007 22:30	CN - Canteen	3477347		MTC	~Canteen Date : 20041007	\$0.00	\$6.79	\$0.00	\$0.00
20041013 16:59	IS - Interest	3507577		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20041013 16:59	IS - Interest	3507578		MTC		\$0.00	\$0.00	\$0.51	\$0.00
20041013 23:01	PY - Payroll	3516448		MTC	~20040926 To 20041002	\$1.50	\$0.00	\$0.00	\$0.00
20041013 23:01	PY - Payroll	3516449		MTC	~20040926 To 20041002	\$0.00	\$0.00	\$1.50	\$0.00
20041014 22:30	CN - Canteen	3525019		MTC	~Canteen Date : 20041014	\$0.00	\$1.39	\$0.00	\$0.00
20041026 08:40	ML - Mail	3568653		STH	~SUSAN MAYNARD	\$20.00	\$0.00	\$0.00	\$0.00
20041026 08:40	MA - Maintenance and Administration	3568654		STH	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20041026 08:40	TI - Transfer from Institution	3568656		STH	~Associate Receipt Number is 3568653	\$0.00	\$19.00	\$0.00	\$0.00
20041026 08:40	TI - Transfer from Institution	3568657		MTC	~Associate Receipt Number is 3568653	\$19.00	\$0.00	\$0.00	\$0.00
20041028 22:30	CN - Canteen	3585724		MTC	~Canteen Date : 20041028	\$0.00	\$20.70	\$0.00	\$0.00
20041110 16:47	IS - Interest	3653144		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20041110 16:47	IS - Interest	3653145		MTC		\$0.00	\$0.00	\$0.53	\$0.00
20041129 13:26	AT - Account Transfer	3734760		MTC	~M82152 BLAKE,JOSEPH PERSONAL	\$106.65	\$0.00	\$0.00	\$106.65
20041129 13:27	IC - Transfer from Inmate to Club A/c	3734762		MTC	~821,827,5-822,2-823~CANTEEN CORP. WASH ACCOUNT - Z6~CANTEEN CORP. WASH ACCOUNT - Z6	\$0.00	\$106.65	\$0.00	\$0.00
20041130 09:32	ML - Mail	3739671		STH	~MICHELLE BLAKE	\$40.00	\$0.00	\$0.00	\$0.00
20041130 09:32	MA - Maintenance and Administration	3739672		STH	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20041130 09:32	TI - Transfer from Institution	3739674		STH	~Associate Receipt Number is 3739671	\$0.00	\$39.00	\$0.00	\$0.00
20041130 09:32	TI - Transfer from Institution	3739675		MTC	~Associate Receipt Number is 3739671	\$39.00	\$0.00	\$0.00	\$0.00
20041202 22:30	CN - Canteen	3759850		MTC	~Canteen Date : 20041202	\$0.00	\$25.82	\$0.00	\$0.00
20041203 11:16	EX - External Disbursement	3764400	96078	MTC	~FLYING BUFFALO INC	\$0.00	\$10.00	\$0.00	\$0.00
20041203 11:16	MA - Maintenance and Administration	3764401		MTC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20041207 17:00	IS - Interest	3786127		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20041207 17:00	IS - Interest	3786128		MTC		\$0.00	\$0.00	\$0.56	\$0.00

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF CORRECTION**  
**Inmate Transaction Report**

Date : 20050222 14:30

Page : 3

**Commit# :** M82152 **MASS. TREATMENT CENTER**

**Name :** BLAKE, JOSEPH. **Statement From** 20040801

**Inst :** MASS. TREATMENT CENTER **To** 20050222

**Block :** CI

**Cell/Bed :** 007 /T

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20041209 22:30	CN - Canteen	3810671		MTC	~Canteen Date : 20041209	\$0.00	\$2.30	\$0.00	\$0.00
20050113 17:06	IS - Interest	3987078		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20050113 17:06	IS - Interest	3987079		MTC		\$0.00	\$0.00	\$0.38	\$0.00
20050119 09:18	ML - Mail	4009775		STH	~SUE MAYNARD	\$12.00	\$0.00	\$0.00	\$0.00
20050119 09:18	MA - Maintenance and Administration	4009776		STH	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20050119 09:18	TI - Transfer from Institution	4009778		STH	~Associate Receipt Number is 4009775	\$0.00	\$11.00	\$0.00	\$0.00
20050119 09:18	TI - Transfer from Institution	4009779		MTC	~Associate Receipt Number is 4009775	\$11.00	\$0.00	\$0.00	\$0.00
20050120 22:30	CN - Canteen	4022468		MTC	~Canteen Date : 20050120	\$0.00	\$5.98	\$0.00	\$0.00
20050128 14:47	EX - External Disbursement	4055437	97370	MTC	~FLYING BUFFALO	\$0.00	\$4.00	\$0.00	\$0.00
20050208 08:29	ML - Mail	4098967		STH	~SUE MAYNARD	\$10.00	\$0.00	\$0.00	\$0.00
20050208 08:29	MA - Maintenance and Administration	4098968		STH	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20050208 08:29	TI - Transfer from Institution	4098974		STH	~Associate Receipt Number is 4098967	\$0.00	\$9.00	\$0.00	\$0.00
20050208 08:29	TI - Transfer from Institution	4098975		MTC	~Associate Receipt Number is 4098967	\$9.00	\$0.00	\$0.00	\$0.00
20050209 16:46	IS - Interest	4116085		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20050209 16:46	IS - Interest	4116086		MTC		\$0.00	\$0.00	\$0.41	\$0.00
20050210 22:30	CN - Canteen	4135254		MTC	~Canteen Date : 20050210	\$0.00	\$8.26	\$0.00	\$0.00
20050214 15:27	AT - Account Transfer	4145030		MTC	~SUPT. APPROVED FOR COSMETICS~M82152 BLAKE,JOSEPH. PERSONAL	\$19.46	\$0.00	\$0.00	\$19.46
20050217 22:30	CN - Canteen	4169682		MTC	~Canteen Date : 20050217	\$0.00	\$19.46	\$0.00	\$0.00
						\$824.13	\$830.42	\$42.00	\$626.04

**Balance as of ending date :**

	<b>Personal</b>	<b>Savings</b>
	<b>\$1.78</b>	<b>\$132.61</b>

**Current Balances :**

<b>Personal</b>	<b>Savings</b>	<b>Freeze</b>	<b>Loan</b>	<b>Restitution</b>	<b>Sentence</b>
\$1.78	\$132.61	\$0.00	\$0.00	\$0.00	\$0.00